

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

MARCUS PRUITT  
TX-1323858-R

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DOCKETED COMPLAINT NO.  
06-125

**AGREED FINAL ORDER**

On this the 1<sup>st</sup> day of December, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Marcus Pruitt (Respondent).

In order to conclude this matter, Marcus Pruitt neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent Marcus Pruitt is a Texas state certified residential real estate appraiser, holds certification number TX-1323858-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about February 3<sup>rd</sup>, 2006 Respondent appraised real property located at 4713 FM 2087, Kilgore, Texas 75662 ("the property").
3. On or about May 4<sup>th</sup>, 2006, the Complainant, Mickey Stevens, filed a complaint with the Board. The complaint alleged that the appraisal report was misleading and contained errors and other deficiencies.
4. On or about May 19<sup>th</sup>, 2006 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of his appraisal report for the property:
  - a) Respondent failed to comply with the record keeping provisions of USPAP's Ethics Rule in his appraisal report;

- b) Respondent failed to sufficiently describe the identity of the real estate being appraised because he failed to identify the 5 acre portion he was appraising which was part of a larger 20 acre tract. No plat or dimensions were contained in the appraiser's work file to assist in understanding what particular piece of real property was being appraised;
- c) By not discussing that the appraisal was a 5 acre tract of a larger 20 acre parcel, Respondent failed to clearly state all extraordinary assumptions and hypothetical conditions;
- d) Respondent failed to provide the source of his definition of value; and,
- e) For the reasons noted above, Respondent's report contained significant omissions of material facts that should have been addressed in his appraisal report for the property.

### **CONCLUSIONS OF LAW**

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): the record keeping provisions of USPAP's Ethics Rule; USPAP Standards: 2-2(b)(iii); 2-2(b)(v); 2-2(b)(x); 1-1(b).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing; and,
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

**ALL CLASSES** required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade


on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

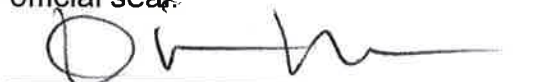
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 1<sup>st</sup> day of Dec, 2008.

  
MARCUS PRUITT


SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 1 day of Dec, 2008, by MARCUS PRUITT, to certify which, witness my hand and official seal.

  
Notary Public Signature




Ollie Hughes  
Notary Public's Printed Name

Signed by the Commissioner this 12<sup>th</sup> day of December, 2008.

  
Timothy K. Irvine, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12<sup>th</sup> day of December, 2008.

  
Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board